



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,880	10/03/2001	Dennis Frank Haynes	RSW920010191US1	4572

7590 03/10/2005

IMB CORPORATION  
INTELLECTUAL PROPERTY LAW  
DEPT. IQOA/BLDG. 040-3  
1701 NORTH STREET  
ENDICOTT,, NY 13760

EXAMINER
----------

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/971,880

**Applicant(s)**

HAYNES ET AL.

**Examiner**

James H Zurita

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to method for purging abandoned shopping cars from an electronic commerce web site, classified in class 715, subclass 517.
- II. Claims 2-4, drawn to method for purging abandoned shopping cars from an electronic commerce web site, classified in class 715, subclass 517.
- III. Claim 5, drawn to method for managing an electronic commerce web site classified in class 705, subclass 26.
- IV. Claim 6, drawn to method for purging abandoned shopping cars from an electronic commerce web site, classified in class 715, subclass 517.
- V. Claim 7, drawn to method for purging abandoned shopping cars from an electronic commerce web site, classified in class 705, subclass 26.
- VI. Claim 8, drawn to method for purging abandoned shopping cars from an electronic commerce web site, classified in class 705, subclass 26.

**Inventions I and II** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention II requires comparing the number of shopping carts that belong to guest shoppers with a threshold for guest shoppers.

Because these inventions are distinct for these reasons and the search required for Invention I is not required for Invention II, restriction for examination purposes as indicated is proper.

**Inventions I and III** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention III requires when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object; and when the shopper is an established shopper, creating an established shopper session object and registering the established shopper session object with the shopper garbage object.

Because these inventions are distinct for these reasons and the search required for Invention I is not required for Invention III, restriction for examination purposes as indicated is proper.

**Inventions I and IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention IV requires when the number of shopping carts that belong to guests exceeds the guest threshold, determining a last transaction time of a guest; comparing the last transaction time to an expiration time; when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention I is not required for Invention IV, restriction for examination purposes as indicated is proper.

**Inventions I and V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention V requires when the number of shopping carts that belong to guests exceeds the guest threshold, polling a guest session object of a guest to determine a last transaction time; comparing the last transaction time with an expiration time; and when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention I is not required for Invention V, restriction for examination purposes as indicated is proper.

**Inventions I and VI** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VI requires

- determining whether a shopper accessing the electronic commerce web site is a guest;
- Creating a session object for the shopper accessing the electronic commerce web site;

Art Unit: 3625

- when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object and the threshold object;
- polling the threshold object by the shopper garbage object to determine a number of shopping carts that belong to guests;
- comparing the number of shopping carts that belong to guests with a guest threshold;
- when the number of shopping carts that belong to guests exceeds the guest threshold, polling the guest session object for a last transaction time;
- comparing the last transaction time with an expiration time; and
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention I is not required for Invention VI, restriction for examination purposes as indicated is proper.

---

**Inventions II and III** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention III requires

- when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object; and

Art Unit: 3625

- when the shopper is an established shopper, creating an established shopper session object and registering the established shopper session object with the shopper garbage object.

Because these inventions are distinct for these reasons and the search required for Invention II is not required for Invention III, restriction for examination purposes as indicated is proper.

**Inventions II and IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention IV requires

- comparing the last transaction time to an expiration time;
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention II is not required for Invention IV, restriction for examination purposes as indicated is proper.

**Inventions II and V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention V requires

Art Unit: 3625

- when the number of shopping carts that belong to guests exceeds the guest threshold, polling a guest session object of a guest to determine a last transaction time;
- comparing the last transaction time with an expiration time; and
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention II is not required for Invention V, restriction for examination purposes as indicated is proper.

**Inventions II and VI** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VI requires

- when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object and the threshold object;
- polling the threshold object by the shopper garbage object to determine a number of shopping carts that belong to guests;
- when the number of shopping carts that belong to guests exceeds the guest threshold, polling the guest session object for a last transaction time;
- comparing the last transaction time with an expiration time; and
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.



Because these inventions are distinct for these reasons and the search required for Invention II is not required for Invention VI, restriction for examination purposes as indicated is proper.

---

**Inventions III and IV** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention IV requires

- determining a number of shopping carts that belong to guests;
- comparing the number of shopping carts that belong to guests with a guest threshold;
- when the number of shopping carts that belong to guests exceeds the guest threshold, determining a last transaction time of a guest;
- comparing the last transaction time to an expiration time;
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention IV, restriction for examination purposes as indicated is proper.

**Inventions III and V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention V requires

Art Unit: 3625

- polling a threshold object by a shopper garbage object to determine a number of shopping carts that belong to guests in an electronic commerce web site;
- comparing the number of shopping carts that belong to guests with a guest threshold;
- when the number of shopping carts that belong to guests exceeds the guest threshold, polling a guest session object of a guest to determine a last transaction time;
- comparing the last transaction time with an expiration time; and
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention V, restriction for examination purposes as indicated is proper.

**Inventions III and VI** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VI requires

- creating a threshold object and registering the threshold object with the shopper garbage object;
- polling the threshold object by the shopper garbage object to determine a number of shopping carts that belong to guests;

Art Unit: 3625

- comparing the number of shopping carts that belong to guests with a guest threshold;
- when the number of shopping carts that belong to guests exceeds the guest threshold, polling the guest session object for a last transaction time;
- comparing the last transaction time with an expiration time; and
- when the last transaction time is earlier than the expiration time, purging a shopping cart that belongs to the guest.

Because these inventions are distinct for these reasons and the search required for Invention III is not required for Invention VI, restriction for examination purposes as indicated is proper.

---

**Inventions IV and V** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention V requires

- polling a threshold object by a shopper garbage object to determine a number of shopping carts that belong to guests in an electronic commerce web site;
- when the number of shopping carts that belong to guests exceeds the guest threshold, polling a guest session object of a guest to determine a last transaction time;

Because these inventions are distinct for these reasons and the search required for Invention IV is not required for Invention V, restriction for examination purposes as indicated is proper.

**Inventions IV and VI** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VI requires

- creating a shopper garbage object;
- creating a threshold object and registering the threshold object with the shopper garbage object;
- determining whether a shopper accessing the electronic commerce web site is a guest;
- creating a session object for the shopper accessing the electronic commerce web site;
- when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object and the threshold object;

Because these inventions are distinct for these reasons and the search required for Invention IV is not required for Invention VI, restriction for examination purposes as indicated is proper.

---

**Inventions V and VI** are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. MPEP § 806.05(d).

In the Instant case, Invention VI requires

- creating a shopper garbage object;

- creating a threshold object and registering the threshold object with the shopper garbage object;
- determining whether a shopper accessing the electronic commerce web site is a guest;
- creating a session object for the shopper accessing the electronic commerce web site;
- when the shopper is a guest, creating a guest session object and registering the guest session object with the shopper garbage object and the threshold object;
- polling the threshold object by the shopper garbage object to determine a number of shopping carts that belong to guests;

Because these inventions are distinct for these reasons and the search required for Invention V is not required for Invention VI, restriction for examination purposes as indicated is proper.

---

If applicant chooses ***Invention II*** the applicant must select one of the following species:

II.a    2,3                      II.b    2,4

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

A reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon,

Art Unit: 3625

including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H Zurita whose telephone number is 703-605-4966. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JZ  
**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
20 February 2005

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**